

**IDAHO BOARD OF CHIROPRACTIC PHYSICIANS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 7/12/2019**

**BOARD MEMBERS PRESENT:** Herbert W Oliver, D.C. - Chair  
Lynn A Hansen, D.C.  
Craig J Manning, D.C.

**BOARD MEMBERS ABSENT:** Shannon Gaertner-Ewing, D.C.

**BUREAU STAFF:** Dawn Hall, Deputy Bureau Chief  
Lori Peel, Investigative Unit Manager  
Nicholas Krema, General Counsel  
Rob McQuade, Legal Counsel  
Jean Uranga, Uranga & Uranga  
Debbie Toncray, Board Specialist

**OTHERS PRESENT:** Molly Steckel, Policy Director,  
Idaho Medical Association  
Chris Chapman, Intern,  
Idaho State Board of Pharmacy  
Brandon Hatch, D.C.

The meeting was called to order at 9:00 AM MDT by Herbert W Oliver, DC.

**INTRODUCTION OF NEW BOARD MEMBER**

Dr. Oliver introduced Dr. Manning as the newest member of the Board.

**APPROVAL OF MINUTES**

Dr. Hansen made a motion to approve the minutes of 5/8/2019. It was seconded by Dr. Manning. Motion carried. Dr. Hansen made a motion to approve the minutes of 5/10/2019. It was seconded by Dr. Manning. Motion carried.

**BOARD TRAINING**

Mr. Krema reviewed the Board's role in protecting the public health, safety and welfare through the licensure and regulation of chiropractic physicians in Idaho.

**DISCIPLINE**

Ms. Uranga presented a Stipulation and Consent Order in case number CHI-2019-1. Dr. Manning made a motion to approve the Consent Order and allow the Board chair to sign on behalf of the Board, to approve an ethics course, and to authorize an extension of time, if necessary. It was seconded by Dr. Hansen. Motion carried.

## **NEW BUSINESS**

### **NEGOTIATED RULEMAKING UNDER THE RED TAPE REDUCTION AND LICENSING FREEDOM ACT EXECUTIVE ORDERS; OPPORTUNITY FOR PUBLIC PARTICIPATION AND COMMENT**

Mr. McQuade reviewed the proposed rules with the Board. The Board specifically reviewed Rule 450, Advertising, and Ms. Steckel with the Idaho Medical Association (IMA) discussed the IMA's concerns with the proposed revisions to Rule 450. The Board and Ms. Steckel agreed to ensure they work together in the future regarding proposed rules for practitioners in health professions to work within their scopes of practice, i.e. medical doctors should not be practicing as a chiropractic physician by providing a chiropractic adjustment to a patient in the emergency room. Mr. Crema reminded the Board about the deadline of August 16, 2019 to submit the proposed rules to the Governor's Office for the 2020 Legislature. Ms. Steckel then addressed the Board regarding the proposed change to the Pre-Paid Funds section in Appendix A of the rules. The Board agreed to keep the section in the rules. Ms. Steckel said she appreciated the opportunity to speak with the Board about the proposed rules. As she was leaving, Ms. Steckel also said the IMA would be glad to review additional proposed rules, and that the IMA may or may not provide additional comments to the Legislature regarding any additional rules proposed by the Board in today's meeting.

## **EXECUTIVE SESSION**

Dr. Manning made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Dr. Hansen. The vote was: Dr. Oliver, aye; Dr. Hansen, aye; and Dr. Manning, aye. Motion carried.

Dr. Hansen made a motion to come out of executive session. It was seconded by Dr. Manning. Motion carried.

## **APPLICATIONS**

Dr. Hansen made a motion to approve the following pending receipt of additional information and review by the chair:

Applicant ID 901466413

It was seconded by Dr. Manning. Motion carried.

### **NEGOTIATED RULEMAKING UNDER THE RED TAPE REDUCTION AND LICENSING FREEDOM ACT EXECUTIVE ORDERS; OPPORTUNITY FOR PUBLIC PARTICIPATION AND COMMENT, CONTINUED**

Mr. McQuade continued to review the proposed rules with the Board. Mr. McQuade gave the Board the revised proposed language for Rule 450, and the Board approved the revisions.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$83,960.01) as of 6/30/2019.

## **PROPOSED FEE INCREASE**

Ms. Hall reviewed the proposed fee increase with the Board. The Board had a lengthy discussion about the fee increase and how it affects applicants and licensees. Dr. Manning reluctantly made a motion to approve the proposed fee increase. It was reluctantly seconded by Dr. Hansen. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **NEGOTIATED RULEMAKING UNDER THE RED TAPE REDUCTION AND LICENSING FREEDOM ACT EXECUTIVE ORDERS; OPPORTUNITY FOR PUBLIC PARTICIPATION AND COMMENT, CONTINUED**

Mr. McQuade reviewed the recommendations from the Executive Order Report with the Board.

## **BOARD CONTRACT**

Mr. Krema and Ms. Hall reviewed the Board contract with the Board. Dr. Manning made a motion to approve the Board contract and authorize the chair to sign it on behalf of the Board. It was seconded by Dr. Hansen. Motion carried.

## **OLD BUSINESS**

The Board reviewed the To Do List and no action was taken.

## **NEW BUSINESS**

## **CONFERENCE UPDATES AND ATTENDANCE**

The Board reviewed the information for the upcoming Federation of Chiropractic Boards' (FCLB) District I meeting in October 2019. The Board agreed to not travel to this meeting because of its financial situation.

## **CORRESPONDENCE**

## **FCLB – LETTER TO GOVERNORS ON BEHALF OF BOARDS**

The Board reviewed correspondence from the FCLB regarding the letter it submitted to Governor Little on behalf of the Board. The letter provided an update to the Governors of each state in recognition of each Board's contributions to the FCLB. The Board took no action.

## **NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) – SCORING POLICY CHANGE ANNOUNCEMENT**

The Board reviewed correspondence from the NBCE regarding the changes to its scoring policy. The Board took no action.

## **COUNCIL ON CHIROPRACTIC EDUCATION (CCE) – PUBLIC DISCLOSURE NOTICE**

The Board reviewed correspondence from the CCE regarding the chiropractic degree program at Life University in Marietta, Georgia being put on probation. The Board took no action.

### **EXECUTIVE SESSION**

Dr. Hansen made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Dr. Manning. The vote was: Dr. Oliver, aye; Dr. Hansen, aye; and Dr. Manning, aye. Motion carried.

Dr. Manning made a motion to come out of executive session. It was seconded by Dr. Hansen. Motion carried.

### **APPLICATIONS**

Dr. Hansen made a motion to approve the following for licensure:

DCA-1867     Dana Pletcher

It was seconded by Dr. Manning. Motion carried.

### **NEGOTIATED RULEMAKING UNDER THE RED TAPE REDUCTION AND LICENSING FREEDOM ACT EXECUTIVE ORDERS; OPPORTUNITY FOR PUBLIC PARTICIPATION AND COMMENT, CONTINUED**

Mr. McQuade reviewed the final proposed revisions to the rules with the Board. Dr. Hansen made a motion to approve the proposed rules and authorize the Bureau to move forward with the legislative process. It was seconded by Dr. Manning. Motion carried.

**NEXT MEETING** was scheduled for 9/27/2019 at 9:00 AM MDT.

### **ADJOURNMENT**

Dr. Manning made a motion to adjourn the meeting at 4:36 PM MDT. It was seconded by Dr. Hansen. Motion carried.

---

Herbert W Oliver, D.C., Chair

---

Lynn A Hansen, D.C.

---

Shannon Gaertner-Ewing, D.C.

---

Craig J Manning, D.C.

---

Kelley Packer, Bureau Chief